



04-05-04

PTO/SB/21

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TRANSMITTAL FORM

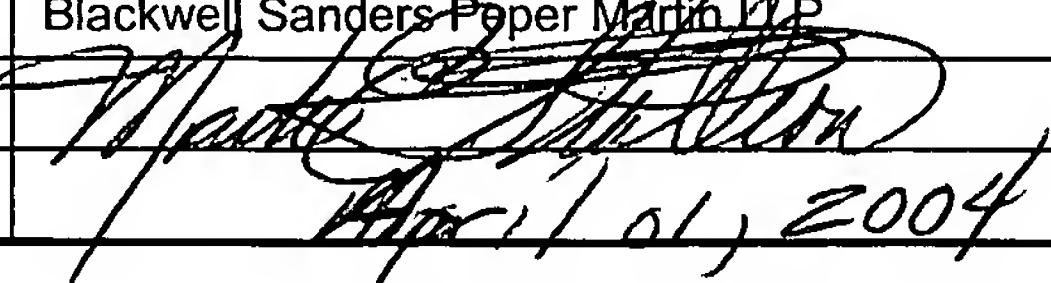
(to be used for all correspondence after initial filing)

		Application Number	10/707,959
		Filing Date	January 28, 2004
		First Named Inventor	Eger, Horst
		Group Art Unit	2621
		Examiner Name	Not yet known
Total Number of Pages in This Submission	5	Attorney Docket Number	717119.481

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below); return postcard
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks:	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	Mark E. Stallion, Reg. No. 46,132 Blackwell Sanders Peper Martin, LLP
Signature	
Date	Apr 1, 2004

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date:
Express Mail Label No.: EV 390579460

Typed or printed name	Annette Blomes		
Signature		Date	4/2/04

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FEE TRANSMITTAL for FY 2004

Effective 01/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT **(\\$) 130.00**

Complete if Known

Application Number	10/707,959
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Art Unit	2621
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METHOD OF PAYMENT (check one)

Check Credit card Money Other None

Deposit Account: Order

Deposit Account Number 11-0160
Deposit Account Name BLACKWELL SANDERS PEPPER MARTIN LLP

The Commissioner is authorized to: (check all that apply)
 Charge fees indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity
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Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	1155	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130.00
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) _____					

**or number previously paid, if greater; For Reissues, see above

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130.00

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Mark E. Stallion	Registration No. (Attorney/Agent)	46,132	Telephone	314-345-6000
Signature				Date	4/2/04

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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PATENT
717119.481

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Eger, Horst : Examiner: Not yet known
Serial No.: 10/707,959 : Group Art Unit: 2621 ✓
Filed: January 28, 2004 : Attorney Docket No.: 717119.481
For: IMAGE ANALYSIS SYSTEMS FOR :
GRADING OF MEAT, PREDICTING :
QUALITY OF MEAT AND/OR :
PREDICTING MEAT YIELD OF AN :
ANIMAL CARCASS : Customer No.: 027128
: Confirmation No.: 1958
Commissioner for Patents
Office of Petitions
P.O. Box 1450
Alexandria, VA 22313

PETITION UNDER 37 C.F.R. SECTION 1.182

TO CHANGE ORDER OF LISTED INVENTORS

INTRODUCTION:

This Petition is to correct the listing of inventors. Horst Eger has provided the greatest contribution to the Applicants' Invention and it would be unfair and unjust not to list him as the primary inventor on U.S. Patent Application No. 10/707,959 when the patent application is published as an issued patent.

STATEMENT OF FACTS:

The initial declaration as filed in the case inadvertently listed Peter Haagensen as the primary inventor. This was merely a clerical oversight.

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Application of: Eger, Horst
Serial No: 10/707,959
Petition

ACTION REQUESTED:

Rectify the listing of inventors so that Horst Eger is listed as the primary inventor. This is followed by Mohammed Koohmaraie, followed by Steven D. Shackelford, followed by Peter Haagensen followed by Tommy L. Wheeler.

DISCUSSION:

The Manual for Patent Examining Procedure Section 605.04(f) provides for the rectification of the listed order of inventors upon petition under 37 C.F.R. Section 1.182. The listing of inventors has no legal significance, however there is a strong implication to the general public that the first named inventor made the primary contribution to the Invention. However, in this case, Peter Haagensen did not make the primary contribution and it would be tremendously unfair and unjust to list Peter Haagensen as the primary inventor instead of Horst Eger. The listing of Peter Haagensen first, was merely a clerical oversight. Since this is merely an administrative and procedural matter, it is respectfully believed that there is no reasonable basis not to grant this Petition to rectify what is merely a clerical oversight.

CONCLUSION:

Therefore, it is respectfully requested that the listing of inventors be corrected with the primary inventor being Horst Eger, which is then followed by Peter Haagensen, followed by Mohammed Koohmaraie, followed by Steven D. Shackelford, followed by Tommy L. Wheeler.

A denial of this Petition would operate as a tremendous injustice and mislead the general public as to which inventor made the primary contribution. Therefore, the granting of this Petition to rectify a mere clerical error and provide proper notification to the public is respectfully requested.

If a telephone conference would facilitate resolving any issue related to this Petition, the undersigned attorney for the Applicants would appreciate and welcome such

Application of: Eger, Horst

Serial No: 10/707,959

Petition

a telephone conference. The attorney for the Applicants may be contacted as provided below.

Respectfully submitted,



Mark E. Stallion

Registration No. 46,132

Blackwell Sanders Peper Martin L.L.P.

720 Olive Street, 24th Floor

St. Louis, MO 63101

(314) 345-6249

Attorney for Applicants

Dated: April 01, 2004